

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

3000 K STREET, NW, SUITE 300
WASHINGTON, DC 20007-5116
TELEPHONE (202) 424-7500
FACSIMILE 202-424-7645

DOCKET FILE COPY ORIGINAL

NEW YORK OFFICE
405 LEXINGTON AVENUE
NEW YORK, NY 10174

December 4, 2000

VIA COURIER

Magalie Roman Salas, Secretary
Federal Communications Commission
445 12th St., NW
Washington, DC 20554

RECEIVED

DEC 4 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: ET Docket No. 98-237; RM-9411 – Amendment of the Commission's Rule with
Regard to the 3650-3700 MHz Government Transfer Band

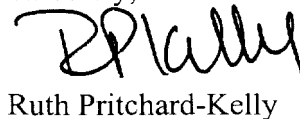
Motion of Verestar, Inc. for Permission to File Modification of Earth Station Call Sign KA20

Dear Ms. Salas:

Verestar, Inc., by its attorneys, respectfully requests permission to submit an earth station modification to call sign KA20 to be considered for co-primary authorization with terrestrial services in the extended C band. The above-captioned proceeding allowed for such modifications to be filed only until December 1, 2000 (last Friday). Verestar attempted to submit its modification electronically on December 1st, but the International Bureau's Filing System ("IBFS") refused to accept the document. This is because the IBFS does not yet have all of the older earth station authorizations entered in its database, and even though KA20 is a valid authorization, since the call sign was not in the IBFS, the IBFS refused to accept the application.

Verestar now submits an original and three copies of its Motion and application to modify call sign KA20. Verestar submitted payment to Mellon Bank's lockbox last Friday.

Sincerely,



Ruth Pritchard-Kelly
Counsel for Verestar, Inc.

cc: Sylvia Lam, International Bureau
Jackie Ponti, International Bureau
Robert E. Hanson

No. of Copies rec'd _____
List A B C D E

0 x 3



Federal Communications Commission

FCC APPLICATION FOR SPACE AND EARTH STATION:MOD OR AMD - MAIN FORM

FCC Use Only

FCC 312 MAIN FORM FOR OFFICIAL USE ONLY
[Click here for INSTRUCTIONS.]

Reset

Validate

Menu

APPLICANT INFORMATION

Enter a description of this application to identify it on the main menu:

Modify KA20 to add extended C-band frequencies.

1-8. Legal Name of Applicant

Name: Verestar, Inc.

Phone Number: 978-720-2566

DBA Name:

Fax Number: 978-921-7168

Street: 3040 Williams Dr.

E-Mail: michael_milsom@verestar.com

Suite 600

City: Fairfax

State: VA

Country: USA

Zipcode: 22031

Attention: Mr. Michael B. Milsom

9-16. Name of Contact Representative (If other than applicant)

Name: Ruth Pritchard-Kelly

Phone Number: 202-424-7500

Company: Swidler Berlin Shereff Friedman

Fax Number: 202-424-7645

Street: 3000 K St., NW

E-Mail: RPKelly@swidlaw.com

Suite 300

City: Washington

State: DC

Country: USA

Zipcode: 20007 - 5116

Contact Title: Attorney

Relationship: Legal Counsel

CLASSIFICATION OF FILING

17. Choose the button next to the

classification that applies to this filing
for both questions a. and b. Choose only
one for 17a and only one for 17b.

(N/A) b1. Application for License of New Station

(N/A) b2. Application for Registration of New Domestic Receive-Only Station

☐ b3. Amendment to a Pending Application

a. ☒ b4. Modification of License or Registration

(N/A) b5. Assignment of License or Registration

(N/A) b6. Transfer of Control of License or Registration

(N/A) b7. Notification of Minor Modification

☒ a1. Earth Station

☐ a2. Space Station

(N/A) b8. Application for License of New Receive-Only Station Using Non-U.S. Licensed Satellite
(N/A) b9. Letter of Intent to Use Non-U.S. Licensed Satellite to Provide Service in the United States
(N/A) b10. Other (Please specify)

17c. Is a fee submitted with this application?

☒ If Yes, complete and attach FCC Form 159.

If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114).

☐ Governmental Entity ☐ Noncommercial educational licensee

☐ Other (please explain):

17d. Fee Classification **CGX - Fixed Satellite Transmit/Receive Earth Station**

18. If this filing is in reference to an existing station, enter:

(a) Call sign of station:

KA20

19. If this filing is an amendment to a pending application enter both fields, if this filing is a modification please enter only the file number:

(a) Date pending application was filed:

(b) File number:

CSG93007P/L

TYPE OF SERVICE

20. NATURE OF SERVICE: This filing is for an authorization to provide or use the following type(s) of service(s): Select all that apply:

- ☒ a. Fixed Satellite
- ☐ b. Mobile Satellite
- ☐ c. Radiodetermination Satellite
- ☐ d. Earth Exploration Satellite
- ☐ e. Direct to Home Fixed Satellite
- ☐ f. Digital Audio Radio Service
- ☐ g. Other (please specify)

21. STATUS: Choose the button next to the applicable status. Choose only one.

☒ Common Carrier ☐ Non-Common Carrier

22. If earth station applicant, check all that apply.

- ☒ Using U.S. licensed satellites
- ☐ Using Non-U.S. licensed satellites

23. If applicant is providing INTERNATIONAL COMMON CARRIER service, see instructions regarding Sec. 214 filings. Choose one. Are these facilities:

☐ Connected to a Public Switched Network ☒ Not connected to a Public Switched Network ☐ N/A

24. FREQUENCY BAND(S): Place an "X" in the box(es) next to all applicable frequency band(s).

- ☒ a. C-Band (4/6 GHz) ☐ b. Ku-Band (12/14 GHz)
- ☒ c. Other (Please specify upper and lower frequencies in MHz.)

Frequency Lower: See Attach. 1

Frequency Upper: See Attach. 1

TYPE OF STATION

25. CLASS OF STATION: Choose the button next to the class of station that applies. Choose only one.

- ☒ a. Fixed Earth Station
- ☐ b. Temporary-Fixed Earth Station
- ☐ c. 12/14 GHz VSAT Network
- ☐ d. Mobile Earth Station
- ☐ e. Geostationary Space Station
- ☐ f. Non-Geostationary Space Station

☐ g. Other (please specify) _____

26. TYPE OF EARTH STATION FACILITY:

☒ Transmit/Receive ☐ Transmit-Only ☐ Receive-Only ☐ N/A

PURPOSE OF MODIFICATION

27. The purpose of this proposed modification is to: (Place an "X" in the box(es) next to all that apply.)

- ☐ a -- authorization to add new emission designator and related service
- ☐ b -- authorization to change emission designator and related service
- ☐ c -- authorization to increase EIRP and EIRP density
- ☐ d -- authorization to replace antenna
- ☐ e -- authorization to add antenna
- ☐ f -- authorization to relocate fixed station
- ☒ g -- authorization to change assigned frequency(ies)
- ☐ h -- authorization to add Points of Communication (satellites & countries)
- ☐ i -- authorization to change Points of Communication (satellites & countries)
- ☐ j -- authorization for facilities for which environmental assessment and radiation hazard reporting is required
- ☐ k -- Other (Please specify) _____

ENVIRONMENTAL POLICY

28. Would a Commission grant of any proposal in this application or amendment have a significant environmental impact as defined by 47 CFR 1.1307? If YES, submit the statement as required by Sections 1.1308 and 1.1311 of the Commission's rules, 47 C.F.R. 1.1308 and 1.1311, as an exhibit to this application. A Radiation Hazard Study must accompany all applications for new transmitting facilities, major modifications, or major amendments.

☐ Yes ☒ No

Attachment

ALIEN OWNERSHIP

Earth station applicants not proposing to provide broadcast, common carrier, aeronautical en route or aeronautical fixed radio station services are not required to respond to Items 30-34.

29. Is the applicant a foreign government or the representative of any foreign government?

☐ Yes ☒ No ☐ N/A

30. Is the applicant an alien or the representative of an alien?

☐ Yes ☒ No ☐ N/A

31. Is the applicant a corporation organized under the laws of any foreign government?

☐ Yes ☒ No ☐ N/A

32. Is the applicant a corporation of which any officer or director is an alien or of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?

☐ Yes ☒ No ☐ N/A

33. Is the applicant a corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?

☐ Yes ☒ No ☐ N/A

34. If any answer to questions 29, 30, 31, 32 and/or 33 is Yes, attach as an exhibit an identification of the aliens or foreign entities, their nationality, their relationship to the applicant, and the percentage of stock they own or vote.

Attachment

BASIC QUALIFICATIONS

35. Does the Applicant request any waivers or exemptions from any of the Commission's Rules?
If Yes, attach as an exhibit, copies of the requests for waivers or exceptions with supporting documents.

☐ Yes ☐ No

KA2Att2

36. Has the applicant or any party to this application or amendment had any FCC station authorization or license revoked or had any application for an initial, modification or renewal of FCC station authorization, license, or construction permit denied by the Commission? If Yes, attach as an exhibit, an explanation of circumstances.

☐ Yes ☒ No

Attachment

37. Has the applicant, or any party to this application or amendment, or any party directly or indirectly controlling the applicant ever been convicted of a felony by any state or federal court? If Yes, attach as an exhibit, an explanation of circumstances.

☐ Yes ☒ No

Attachment

38. Has any court finally adjudged the applicant, or any person directly or indirectly controlling the applicant, guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement or any other means or unfair methods of competition? If Yes, attach as an exhibit, an explanation of circumstances

☐ Yes ☒ No

Attachment

39. Is the applicant, or any person directly or indirectly controlling the applicant, currently a party in any pending matter referred to in the preceding two items? If yes, attach as an exhibit, an explanation of the circumstances.

☐ Yes ☒ No

Attachment

40. If the applicant is a corporation and is applying for a space station license, attach as an exhibit the names, address, and citizenship of those stockholders owning a record and/or voting 10 percent or more of the Filer's voting stock and the percentages so held. In the case of fiduciary control, indicate the beneficiary (ies) or class of beneficiaries. Also list the names and addresses of the officers and directors of the Filer.

Attachment

41. By checking Yes, the undersigned certifies, that neither applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Act of 1988, 21 U.S.C. Section 862, because of a conviction for possession or distribution of a controlled substance. See 47 CFR 1.2002(b) for the meaning of "party to the application" for these purposes.

☒ Yes ☐ No

42a. Does the applicant intend to use a non-U.S. licensed satellite to provide service in the United States? If Yes, answer 42b and attach an exhibit providing the information specified in 47 C.F.R. 25.137, as appropriate. If No, proceed to question 43.

☐ Yes ☒ No

Attachment

42b. What administration has licensed or is in the process of licensing the space station? If no license will be issued, what administration has coordinated or is in the process of coordinating the space station?

43. Description. (Summarize the nature of the application and the services to be provided).

Modify call sign KA20 in Brewster, WA, to extend the C-band frequencies to include 3725-3700 MHz, 5850-5925 MHz and 6425-7075 MHz in addition to the regular C-band frequencies already authorized. Call sign KA20 is located within 10 miles of grandfathered station KA 294.

KA2Att1

CERTIFICATION

The Applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. The applicant certifies that grant of this application would not cause the applicant to be in violation of the spectrum aggregation limit in 47 CFR Part 20. All statements made in exhibits are a material part hereof and are incorporated herein as if set out in full in this application. The undersigned, individually and for the applicant, hereby certifies that all statements made in this application and in all attached exhibits are true, complete and correct to the best of his or her knowledge and belief, and are made in good faith.

44. Applicant is a (an): (Choose the button next to applicable response.)

- ☐ Individual
☐ Unincorporated Association

- ☐ Partnership
☒ Corporation
☐ Governmental Entity
☐ Other (please specify) _____

45. Name of Person Signing

Michael B. Milson

46. Title of Person Signing

Vice President & General Counsel

**WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND / OR IMPRISONMENT
(U.S. Code, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION AUTHORIZATION
(U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).**

Form 312 Schedule B

Reset

Validate

Menu



Federal Communications Commission

SATELLITE EARTH STATION AUTHORIZATIONS FCC Form 312 - Schedule B:(Technical and Operational Description)

FOR OFFICIAL USE ONLY
[INSTRUCTIONS]

1 copy of this form section exist.

SITE INFORMATION

Site Identifier: B30C01 Call Sign: KA20
Contact Name: Bob Hanson Phone Number: 720-635-8162
Street: 66C USEI Drive City: Brewster
County: Okanogan
Zipcode: 98812 State: WA

Area of Operation: Brewster, WA

Latitude 48 ° 8 ' 49 " N Longitude 119 ° 41 ' 28 " W

Lat./Lon. Coordinates are: ☒ NAD-27 ☐ NAD-83 ☐ N/A

Site Elevation (AMSL): 377.04 meters

If the proposed antenna(s) operate in the Fixed Satellite Service (FSS) with geostationary satellites, do(es) the proposed antenna(s) comply with the antenna gain patterns specified in Section 25.209(a) and (b) as demonstrated by the manufacturer's qualification

☒ Yes ☐ No ☐ N/A

measurement? If NO, provide as Attachment a technical analysis showing compliance with two-degree spacing policy.

If the proposed antenna(s) do not operate in the Fixed Satellite Service (FSS), or if they operate in the Fixed Satellite Service (FSS) with non-geostationary satellites, do(es) the proposed antenna(s) comply with the antenna gain patterns specified in Section 25.209 (a2) and (b) as demonstrated by the manufacturer's qualification measurements?

☐ Yes ☐ No ☒ N/A

Is the facility operated by remote control? If YES, provide the location and telephone number of the control point. Remote Control

☐ Yes ☒ No

Is frequency coordination required? If YES, attach a frequency coordination report as KA2Att2

☒ Yes ☐ No

Is coordination with another country required? If YES, attach the name of the country(ies) and plot of coordination contours as Attachment

☐ Yes ☒ No

FAA Notification - (See 47 CFR Part 17 and 47 CFR part 25.113(c)) Where FAA notification is required, have you attached a copy of a completed FCC Form 854 and / or the FAA's study regarding the potential hazard of the structure to aviation?

☐ Yes ☒ No

FAILURE TO COMPLY WITH 47 CFR PARTS 17 AND 25 WILL RESULT IN THE RETURN OF THIS APPLICATION.

Points of Communication

Antenna

Reset

Add

Previous

Validate

Menu

Frequencies Requested

Verestar, Inc. would like to request authority to communicate at 3625-3700 MHz, 5850-5925 MHz, and 6425-7075 MHz in addition to the traditional C-band frequencies for which KA20 already has authorization.

Verestar has an immediate need to match the requirements of a correspondent, which uses the extended C-band and is looking for a teleport in the U.S. that can match it. In addition, Verestar also has existing domestic customer demand for these frequencies, and needs to be able to provide back-up and redundancy to antennas already authorized to use the extended C band.

Request For Waiver

Verestar, Inc. has contracted with Comsearch, Inc. to prepare the required frequency coordination. Verestar hereby requests waiver of the analysis recommended in the NTIA Report TR-99-361, by reference in FCC Report and Order (FCC 00-363, 115), for the 3625-3700 MHz receive band applied for in this application. The NTIA report contains the positions and technical characteristics of Radiolocation Systems operating in the 3.1–3.7 GHz band.

An analysis to determine potential interference from these systems will be performed by Comsearch, using the parameters and techniques described in the NTIA report, for call sign KA20. This report will be forwarded to the Commission as soon as it completed. Verestar and Comsearch both appreciate the urgency with which the Commission needs to see this material, and are expediting the process as much as possible.